

811 KAR 1:095. Disciplinary measures and penalties.

RELATES TO: KRS 230.215, 230.225, 230.260, 230.265, 230.290, 230.300, 230.310, 230.320, 230.361

STATUTORY AUTHORITY: KRS 230.215, 230.225, 230.240, 230.260, 230.265, 230.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes the penalty structure for rule violations and also establishes disciplinary powers and duties of the judges and the commission.

Section 1. Definitions. (1) "Associated person" means the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that the other person or entity would care for or train a horse, or perform veterinarian services on a horse for the benefit, credit, reputation, or satisfaction of the inactive person.

(2) "Class A drug" means a drug, medication, or substance classified as a Class A drug, medication, or substance in the schedule.

(3) "Class B drug" means a drug, medication, or substance classified as a Class B drug, medication, or substance in the schedule.

(4) "Class C drug" means a drug, medication, or substance classified as a Class C drug, medication, or substance in the schedule.

(5) "Class D drug" means a drug, medication, or substance classified as a Class D drug, medication, or substance in the schedule.

(6) "Companion" means a person who cohabits with or shares living accommodations with an inactive person.

(7) "Inactive person" means a trainer or veterinarian who has his or her license denied or suspended or revoked for thirty (30) or more days pursuant to 811 KAR Chapter 1 or KRS Chapter 230.

(8) "NSAID" means a non-steroidal anti-inflammatory drug.

(9) "Primary threshold" means the thresholds for phenylbutazone, flunixin, and ketoprofen provided in 811 KAR 1:090, Section 8(1)(a), (b), and (c), respectively.

(10) "Schedule" means the Kentucky Horse Racing Commission Uniform Drug, Medication, and Substance Classification Schedule as provided in 811 KAR 1:093.

(11) "Secondary threshold" means the thresholds for phenylbutazone, flunixin, and ketoprofen provided in 811 KAR 1:090, Section 8(3)(b), (c), and (d), respectively.

(12) "Withdrawal guidelines" means the Kentucky Horse Racing Commission Withdrawal Guidelines Thoroughbred; Standardbred; Quarter Horse, Appaloosa, and Arabian as provided in 811 KAR 1:093.

Section 2. General Provisions. (1) An alleged violation of 811 KAR 1:090 shall be adjudicated in accordance with this administrative regulation, and with 811 KAR 1:100, 811 KAR 1:105, and KRS Chapter 13B.

(2) If a drug, medication, or substance is found to be present in a pre-race or post-race sample or possessed or used by a licensee at a location under the jurisdiction of the commission that is not classified in the schedule, the commission may establish a classification after

consultation with either or both of the Association of Racing Commissioners International and the Racing and Medication Consortium or their respective successors.

(3) The judges and the commission shall consider any mitigating or aggravating circumstances properly presented when assessing penalties pursuant to this administrative regulation. Evidence of full compliance with the withdrawal guidelines shall be considered by the judges and the commission as a mitigating factor to be used in determining violations and penalties.

(4) A licensee whose license has been suspended or revoked in any racing jurisdiction or a horse that has been deemed ineligible to race in any racing jurisdiction shall be denied access to locations under the jurisdiction of the commission during the term of the suspension or revocation.

(5) A suspension or revocation shall be calculated in calendar days, unless otherwise specified by the judges or the commission in a ruling or order.

(6) Written or printed notice of the assessment of a penalty, including a written warning, shall be made to the person penalized. The notice shall be posted immediately at the office of the association and sent to the commission, the United States Trotting Association, and the Association of Racing Commissioners International, or their successors, to be posted on their respective official Web sites. If an appeal is pending, that fact shall be so noted.

(7) A horse administered a substance in violation of 811 KAR 1:090 may be required to pass a commission-approved examination as determined by the judges pursuant to 811 KAR 1:020, Section 5, or be placed on the veterinarian's list pursuant to 811 KAR 1:090, Section 18.

(8) A person who claims a horse may void the claim if the post-race test indicates a Class A, B, or C drug violation, or a TCO₂ level exceeding thirty-seven (37.0) millimoles per liter and receive reimbursement for reasonable costs associated with the claim as provided in 811 KAR 1:035, Section 3(14)(a)(3).

(9) To protect the racing public and ensure the integrity of racing in Kentucky, a trainer whose penalty for a prior Class A violation or for a prior Class B third offense violation under this administrative regulation has not been finally adjudicated may, if stall space is available, be required to house a horse that the trainer has entered in a race in a designated stall for the twenty-four (24) hour period prior to post time of the race in which the horse is entered. If the judges require the trainer's horse to be kept in a designated stall, there shall be twenty-four (24) hour surveillance of the horse by the association and the cost shall be borne by the trainer.

(10) In addition to the penalties contained in Section 4 of this administrative regulation for the trainer and owner, any other person who administers, is a party to, facilitates, or is found to be responsible for any violation of 811 KAR 1:090 shall be subject to the relevant penalty as provided for the trainer or other penalty as may be appropriate based upon the violation.

(11) A veterinarian who administers, is a party to, facilitates, or is found responsible for any violation of KRS Chapter 230 or 811 KAR Chapter 1 shall be reported to the Kentucky Board of Veterinary Examiners and the state licensing board of veterinary medicine by the judges.

(12) In accordance with KRS 230.320(6), an administrative action or the imposition of penalties pursuant to this administrative regulation shall not constitute a bar or be considered jeopardy to prosecution of an act that violates the criminal statutes of Kentucky.

(13) If a person is charged with committing multiple or successive overages involving a Class C or Class D drug, medication, or substance, the judges or the commission may charge the person with only one (1) offense if the person demonstrates that he or she was not aware that overages were being administered because the positive test results showing the overages were unavailable to the person charged. In this case, the person alleging that he or she

was not aware of the overages shall bear the burden of proving that fact to the judges or the commission.

(14) If a penalty for a medication violation requires a horse to be placed on the judges' list for a period of time, the judges may waive this requirement if ownership of the horse was legitimately transferred prior to the trainer's notification by the commission of the positive result.

(15) Any person who has been fined under this administrative regulation shall be suspended until the fine has been paid in full.

(16) A fine shall not be paid directly or indirectly by a person other than the person upon whom it is imposed and any payment made shall not serve to abate or satisfy any penalty imposed.

(17) If the penalty is for a driving violation and does not exceed in time a period of five (5) days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. The driver may drive in stake, futurity, early closing and feature races, during a suspension of five (5) days or less, but the suspension shall be extended one (1) day for each date the driver drives in a race.

(18) A horse shall not have the right to compete while owned or controlled wholly or in part by a person whose license has been suspended or revoked. An entry made by or for a licensee whose license has been suspended or revoked or for a horse which has been suspended shall be held liable for the entrance fee without the right to compete unless the penalty is removed.

(19) An association shall not willfully allow a person whose license has been suspended or revoked to drive in a race, or a suspended or disqualified horse to start in a race or a performance against time.

(20) An association shall not willfully allow the use of its track or grounds by a licensee whose license has been suspended or revoked, or a horse that has been suspended.

(21) If a person is excluded from a pari-mutuel association by the association, the commission shall be notified.

(22) A person subject to current suspension, revocation, or expulsion shall not act as an officer of an association. An association shall not, after receiving notice of the penalty, employ or retain in its employ an expelled, suspended, disqualified, or excluded person at or on the track during the progress of a race meeting.

(23) A licensee that has been suspended shall serve any suspension imposed:

(a) During the current race meet, if there are enough remaining days to serve out the suspension;

(b) During the next regularly scheduled race meet at the operating race track where the infraction took place if there are not enough remaining days to serve out the suspension; or

(c) During a race meet at another operating track in this state where the licensee seeks to engage in the activity for which he or she is licensed if the track where the infraction took place closes before another race meet is held at that track.

(24) A penalty imposed by the United States Trotting Association or the racing commission, or other governing body, of any racing jurisdiction shall be recognized and enforced by the commission unless application is made for a hearing before the commission, during which the applicant shall show cause as to why the penalty should not be enforced against him in Kentucky.

Section 3. Prior Offenses. A prior offense occurring in Kentucky or any other racing jurisdiction shall be considered by the judges and by the commission in assessing penalties. The judges shall attach to a penalty judgment a copy of the offender's prior record listing violations that were committed both inside and outside of Kentucky.

Section 4. Penalties for Class A, B, C, and D Drug Violations and NSAID and Furosemide Violations. (1) Class A drugs.

(a) TRAINER

First offense	Second lifetime offense in any racing jurisdiction	Third lifetime offense in any racing jurisdiction
One (1) to three (3) year suspension; AND \$10,000 to \$25,000 fine.	Three (3) to five (5) year suspension; AND \$25,000 to \$50,000 fine.	Five (5) year suspension to a lifetime ban; AND \$50,000 to \$100,000 fine.

(b) OWNER

First offense	Second lifetime offense in any racing jurisdiction in a horse owned by the same owner	Third lifetime offense in any racing jurisdiction in a horse owned by the same owner
Disqualification and loss of purse; AND Horse shall be placed on the judges' list for sixty (60) days and may be required to pass a commission-approved examination before being eligible to enter	Disqualification and loss of purse; AND Horse shall be placed on the judges' list for 120 days and may be required to pass a commission-approved examination before being eligible to enter as determined	Disqualification and loss of purse; AND Ninety (90) day suspension; AND \$50,000 fine; AND Horse shall be placed on the

as determined by the judges.	by the judges.	judges' list for 180 days and may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.
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(2)(a) The penalties established in paragraphs (b) and (c) of this subsection shall apply to the following:

1. Class B drugs;
2. Gamma amino butyric acid in a concentration greater than 110 nanograms per milliliter; and
3. Cobalt in a concentration greater than fifty (50) parts per billion.

(b) TRAINER

First offense	Second offense within a 365-day period in any racing jurisdiction	Third offense within a 365-day period in any racing jurisdiction
Thirty (30) to sixty (60) day suspension; AND \$500 to \$1,000 fine.	Sixty (60) to 180 day suspension; AND \$1,000 to \$2,500 fine.	180 to 365 day suspension; AND \$2,500 to \$5,000 fine.

(c) OWNER

First offense	Second offense within a 365-day period in any racing jurisdiction in a horse owned by the same owner	Third offense within a 365-day period in any racing jurisdiction in a horse owned by the same owner
Disqualification and loss of purse;	Disqualification and loss of purse;	Disqualification and loss of purse;

Horse may be required to pass a commission-approved examination before being eligible to enter as determined by the judges;	AND	Horse may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.	AND	Horse shall be placed on the judges' list for forty-five (45) days and may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.
AND				
For a cobalt violation, the horse shall be placed on the judges' list until the horse tests below twenty-five (25) parts per billion. The owner shall be responsible for the cost of testing.				

(3)(a) The penalties established in paragraphs (b) and (c) of this subsection shall apply to a Class C drug violation and an overage of permitted NSAIDs as follows:

1. Phenylbutazone in a concentration greater than five (5.0) micrograms per milliliter;
2. Flunixin in a concentration greater than 100 nanograms per milliliter; and
3. Ketoprofen in a concentration greater than fifty (50) nanograms per milliliter.

(b) TRAINER

First offense	Second offense within a 365-day period in any racing jurisdiction	Third offense within a 365-day period in any racing jurisdiction
Zero to ten (10) day suspension;	Ten (10) to thirty (30) day suspension;	Thirty (30) to sixty (60) day suspension;
AND		

\$500 to \$1,500 fine.	AND \$1,500 to \$2,500 fine.	AND \$2,500 to \$5,000 fine.
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(c) OWNER

First offense	Second offense within a 365-day period in any racing jurisdiction	Third offense within a 365-day period in any racing jurisdiction
<p>Disqualification and loss of purse;</p> <p>AND</p> <p>Horse may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.</p>	<p>Disqualification and loss of purse;</p> <p>AND</p> <p>If same horse as first offense, horse shall be placed on the judges' list for forty-five (45) days and may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.</p>	<p>Disqualification and loss of purse;</p> <p>AND</p> <p>\$5,000 fine;</p> <p>AND</p> <p>If same horse as first and second offenses, horse shall be placed on the judges' list for sixty (60) days and may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.</p>

(4)(a) The penalties established in paragraphs (b) and (c) of this subsection shall apply to the following:

1. Overage of permitted NSAIDs as follows:

- a. Phenylbutazone in a concentration greater than two (2) micrograms per milliliter through five (5) micrograms per milliliter;
- b. Flunixin in a concentration greater than twenty (20) nanograms per milliliter through 100

nanograms per milliliter; and

c. Ketoprofen in a concentration greater than two (2) nanograms per milliliter through fifty (50) nanograms per milliliter;

2. Overage of furosemide in a concentration greater than 100 nanograms per milliliter;

3. Furosemide not identified when notice made that the horse would run on furosemide; and

4. Cobalt in a concentration greater than twenty-five (25) parts per billion through fifty (50) parts per billion.

(b) TRAINER

First offense	Second offense within a 365-day period in any racing jurisdiction	Third offense within a 365-day period in any racing jurisdiction
Written warning to a \$500 fine.	Written warning to a \$750 fine.	\$500 to \$1,000 fine.

(c) OWNER

First offense	Second offense within a 365-day period in any racing jurisdiction	Third offense within a 365-day period in any racing jurisdiction
Horse may be required to pass a commission-approved examination before being eligible to enter as determined by the judges; AND For a cobalt violation, the horse shall be	Horse may be required to pass a commission-approved examination before being eligible to enter as determined by the judges.	If same horse as first and second offenses, disqualification and loss of purse; AND Horse may be required to pass a commission-approved examination before being eligible to enter

placed on the judges' list until the horse tests below twenty-five (25) parts per billion. The owner shall be responsible for the cost of testing.		as determined by the judges.
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(d) If a furosemide violation occurs due solely to the actions or inactions of the commission veterinarian, then the trainer and owner shall not be penalized.

(5) Multiple NSAIDs. Overage of two (2) permitted NSAIDs phenylbutazone, flunixin, and ketoprofen.

(a) TRAINER

	Concentrations of both permitted NSAIDs above the primary threshold.	Concentrations of one (1) permitted NSAID above the primary threshold and one (1) above the secondary threshold.	Concentrations of both permitted NSAIDs below primary threshold and above secondary threshold.
First offense	Zero to sixty (60) day suspension; AND \$500 to \$1,000 fine.	Zero to fifteen (15) day suspension; AND \$250 to \$750 fine.	Zero to five (5) day suspension; AND \$250 to \$500 fine.
Second offense within a 365-day period in any racing jurisdiction	Sixty (60) to 180 day suspension; AND \$1,000 to \$2,500 fine.	Fifteen (15) to thirty (30) day suspension; AND \$750 to \$1,500 fine.	Five (5) to ten (10) day suspension; AND \$500 to \$1,000 fine.
Third offense within a 365-day period in	180 to 365 day suspension; AND	Thirty (30) to sixty (60) day suspension; AND	Ten (10) to fifteen (15) day suspension; AND

any racing jurisdiction	\$2,500 to \$5,000 fine.	\$1,500 to \$3,000 fine.	\$1,000 to \$2,500 fine.
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(b) OWNER

	Concentrations of both permitted NSAIDs above the primary threshold.	Concentrations of one (1) permitted NSAID above the primary threshold and one (1) above the secondary threshold.	Concentrations of both permitted NSAIDs below primary threshold and above secondary threshold.
First offense	Disqualification and loss of purse.	Disqualification and loss of purse.	No Penalty.
Second offense within a 365-day period in any racing jurisdiction	Disqualification and loss of purse.	Disqualification and loss of purse.	No Penalty.
Third offense within a 365-day period in any racing jurisdiction	Disqualification and loss of purse.	Disqualification and loss of purse.	No Penalty.

(6) Class D drugs.

(a) The penalties established in paragraph (b) of this subsection shall apply to a Class D drug violation.

(b) TRAINER

One (1) to four (4) offenses within a 365-day period in any racing jurisdiction	Five (5) or more offenses within a 365-day period in any racing jurisdiction
Zero to five (5) day suspension; AND	Five (5) to ten (10) day suspension; AND

\$250 to \$500 fine.	\$500 to \$1,000 fine.
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Section 5. TCO2 penalties. In any instance of a positive pre-race TCO2 result, the horse shall be scratched. In addition, penalties for violations of 811 KAR 1:090, Section 20(6), (7), or (8) shall be as follows:

(1) TRAINER

First offense involving a pre-race test result	First offense involving a post-race test result	Second offense within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result	Third offense within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result	Subsequent offenses within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result
Zero to five (5) day suspension; AND \$250 to \$500 fine.	Zero to ninety (90) day suspension; AND \$1,000 to \$1,500 fine.	Ninety (90) to 180 day suspension; AND \$1,500 to \$3,000 fine.	180 to 365 day suspension; AND \$3,000 to \$5,000 fine.	One (1) year suspension to lifetime ban.

(2) OWNER

First offense involving a pre-race test result	First offense involving a post-race test result	Second offense within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result	Third offense within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result	Subsequent offenses within a 365-day period in any racing jurisdiction involving a pre-race or a post-race test result
No Penalty.	No Penalty.	Disqualification and loss of purse; AND If same horse as first of-	Disqualification and loss of purse; AND If same horse as first and	Disqualification and loss of purse; AND If same horse as first, sec-

		fense, horse shall be ineligible from fifteen (15) to sixty (60) days.	second of-fenses, horse shall be ineligible from sixty (60) to 180 days.	ond, and third offenses, horse shall be ineligible from 180 to 365 days.
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Section 6. Shock Wave Machine and Blood Gas Machine Penalties. Penalties for violations of 811 KAR 1:090, Section 20(5), (9), or (10) shall be as follows:

(1) TRAINER

First offense	Second life-time offense in any racing jurisdiction	Third life-time offense in any racing jurisdiction
Thirty (30) to sixty (60) day suspension; AND \$1,000 to \$5,000 fine.	Sixty (60) to 180 day suspension; AND \$5,000 to \$10,000 fine.	180 to 365 day suspension; AND \$10,000 to \$20,000 fine.

(2) OWNER

First offense	Second life-time offense in any racing jurisdiction	Third lifetime offense in any racing jurisdiction
Disqualification and loss of purse.	Disqualification and loss of purse; AND If same horse as first offense, horse shall be placed on the stewards' list from fifteen (15) to sixty (60) days and may be required to pass a com-	Disqualification and loss of purse; AND If same horse as first and second offenses, horse shall be placed on the judges' list from sixty (60) to 180 days and may be required to pass a com-

	mission- approved ex- amination be- fore being eli- gible to enter as determined by the judges.	mission- approved ex- amination be- fore being eli- gible to enter as determined by the judges.
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Section 7. Out-of-Competition Testing. The penalties established in 811 KAR 1:240, Section 8, shall apply to violations involving the prohibited substances and practices described in Section 2 of that administrative regulation.

Section 8. Persons with a Suspended or Revoked License. (1) A person shall not train a horse or practice veterinary medicine for the benefit, credit, reputation, or satisfaction of an inactive person. The partners in a veterinary practice may provide services to horses if the inactive person does not receive a pecuniary benefit from those services.

(2) An associated person of an inactive person shall not:

(a) Assume the inactive person's responsibilities at a location under the jurisdiction of the commission;

(b) Complete an entry form for a race to be held in Kentucky on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked; or

(c) Pay or advance an entry fee for a race to be held in Kentucky on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked.

(3) An associated person who assumes the responsibility for the care, custody, or control of an unsuspended horse owned (fully or partially), leased, or trained by an inactive person shall not:

(a) Be paid a salary directly or indirectly by or on behalf of the inactive person;

(b) Receive a bonus or any other form of compensation in cash, property, or other remuneration or consideration;

(c) Make a payment or give remuneration or other compensation or consideration to the inactive person or associated person; or

(d) Train or perform veterinary work for the inactive person or an owner or customer of the inactive person at a location under the jurisdiction of the commission.

(4) A person who is responsible for the care, training or veterinary services provided to a horse formerly under the care, training or veterinary services of an inactive person shall:

(a) Bill customers directly on his or her bill form for any services rendered at or in connection with any race meeting in Kentucky;

(b) Maintain a personal checking account totally separate from and independent of that of the inactive person to be used to pay expenses of and deposit income from an owner or client of the inactive person;

(c) Not use the services, directly or indirectly, of current employees of the inactive person; and

(d) Pay bills related to the care, training and racing of the horse from a separate and independent checking account. Copies of the invoices for the expenses shall be retained for not less than six (6) months after the date of the reinstatement of the license of the inactive person or the expiration of the suspension of the inactive person's license.

Section 9. Other Disciplinary Measures. (1) A person who violates 811 KAR 1:090, Section 6, regarding furosemide on race day shall be treated the same as a person who has commit-

ted a Class C drug violation.

(2) A person who violates 811 KAR 1:090, Section 8(3), for administering a non-steroidal anti-inflammatory drug other than phenylbutazone or flunixin shall be treated the same as a person who has committed a Class C drug violation.

(3) A person who violates 811 KAR 1:090, Section 20(2), shall be treated the same as a person who has committed a drug violation of the same class, as determined by the commission after consultation with the Equine Drug Research Council.

(4) A person who violates 811 KAR 1:090, Section 20(3), shall be treated the same as a person who has committed a Class A drug violation.

(5) An association in violation of Section 2(20), (21), (22), or (23) of this administrative regulation shall, together with its officers, be subject to a suspension or revocation of licensing privileges for up to thirty (30) days and payment of a fine up to \$5,000 in keeping with the seriousness of the violation and the facts of the case.

Section 10. Disciplinary Measures by Judges. Upon finding a violation or an attempted violation of 811 KAR Chapter 1 or KRS Chapter 230, if not otherwise provided for in this administrative regulation, the judges may impose one (1) or more of the following penalties:

(1) If the violation or attempted violation may affect the health or safety of a horse or race participant, or may affect the outcome of a race, declare a horse or a licensee ineligible to race or disqualify a horse or a licensee in a race;

(2) Suspend or revoke a person's licensing privileges for a period of time of not more than five (5) years in proportion to the seriousness of the violation and the facts of the case;

(3) Cause a person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of the orderly conduct of a race or race meeting, or person whose presence is found by the judges to be inconsistent with maintaining the honesty and integrity of the sport of horse racing, to be excluded or ejected from association grounds or from a portion of association grounds; and

(4) Payment of a fine in an amount not to exceed \$50,000 as deemed appropriate by the commission in keeping with the seriousness of the violation and the facts of the case.

Section 11. Disciplinary Measures by the Commission. (1) Upon finding a violation or an attempted violation of 811 KAR Chapter 1 or KRS Chapter 230, if not otherwise provided for in this administrative regulation, the commission may impose one (1) or more of the following penalties:

(a) If the violation or attempted violation may affect the health or safety of a horse or race participant, or may affect the outcome of a race, declare a horse or a licensed person ineligible to race or disqualify a horse or a licensed person in a race;

(b) Suspend or revoke a person's licensing privileges for a period of time of not more than five (5) years in proportion to the seriousness of the violation;

(c) Cause a person found to have interfered with or contributed toward the interference of the orderly conduct of a race or race meeting, or person whose presence is found by the commission to be inconsistent with maintaining the honesty and integrity of horse racing, to be excluded or ejected from association grounds or a portion of association grounds; or

(d) Payment of a fine of up to \$50,000 as deemed appropriate by the commission in keeping with the seriousness of the violation and the facts of the case.

(2) Upon appeal of a matter determined by the judges the commission may:

(a) Order a hearing de novo of a matter determined by the judges; and

(b) Reverse or revise the judges' ruling in whole or in part, except as to findings of fact by the judges' ruling regarding matters that occurred during or incident to the running of a race

and as to the extent of disqualification fixed by the judges for a foul in a race. (KTC 1-8 (Rule 22); 1 Ky.R. 1114; eff. 6-11-1975; 33 Ky.R. 962; 3396; eff. 6-1-2007; 35 Ky.R. 1083, 1798, eff. 2-6-2009; 38 Ky.R. 2077; 39 Ky.R. 237; eff. 8-31-2012; 40 Ky.R. 1921; 2440; eff. 6-6-2014; 41 Ky.R. 1164; 1536; eff. 2-6-2015; 42 Ky.R. 1380; 1756; eff. 1-4-2016.)